

Approved: 

SARAH MORTAZAVI
Assistant United States Attorney

Before: HONORABLE HENRY PITMAN
United States Magistrate Judge
Southern District of New York

18 MAG 5372

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UNITED STATES OF AMERICA, : COMPLAINT
:
- v. - : Violation of
: 18 U.S.C. §§ 1959(a)(3) & 2
RAMON PAULINO, : COUNTY OF OFFENSE:
: Defendant. BRONX
:
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SOUTHERN DISTRICT OF NEW YORK, ss.:

JOHN MCGIVNEY, being duly sworn, deposes and says that he is a Detective with the New York City Police Department, and charges as follows:

COUNT ONE

1. On or about June 18, 2018, in the Southern District of New York, RAMON PAULINO, the defendant, and others known and unknown, as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value from an enterprise engaged in racketeering activity, to wit, the "Trinitarios" gang, and for the purpose of gaining entrance to and maintaining and increasing position in the "Trinitarios" gang, intentionally and knowingly assaulted an individual with a dangerous weapon and committed an assault resulting in serious bodily injury, and aided and abetted the same, to wit, PAULINO and others committed, and aided and abetted, the assault of an individual in the vicinity of the East Gun Hill Road Exit of the Bronx River Parkway in the Bronx, New York.

(Title 18, United States Code, Sections 1959(a)(3) and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

2. I am currently employed as a Detective with the New York City Police Department ("NYPD") and have been so employed for two years. Prior to that, I was a police officer with the NYPD for approximately ten years. In those capacities, I have investigated narcotics and firearms violations which have led to the arrest and conviction of numerous defendants for narcotics and firearms-related offenses.

3. I make this affidavit, in part, on personal knowledge based on my participation in this investigation, and, in part, upon my conversations with other detectives and officers from the NYPD and my review of materials obtained and reports prepared by others.

4. Throughout this affidavit, where I assert that a statement was made, I may not have been present. Rather, information about the statement was provided by the specified source (who may have had either direct or indirect knowledge of the statement) to whom I have spoken or whose reports I have read and reviewed. All such statements are set forth in substance and in part, unless otherwise indicated.

5. Furthermore, the facts and circumstances of this investigation have been summarized for the specific purposes of this application. No attempt has been made to set forth the complete factual history of this investigation or all of its details. In making this application, I am relying only on the facts stated herein.

BACKGROUND OF THE INVESTIGATION

6. Since at least in or about early 2008, law enforcement authorities, including the NYPD, have been investigating a gang known as the "Trinitarios," which is comprised primarily of males of Dominican descent and operates in the New York City area and elsewhere.

7. Based on the evidence obtained through the investigation, a Grand Jury in this District returned an Indictment, 11 Cr. 1032 (PAE), charging various defendants with, among other things, conspiring to operate a racketeering enterprise. In connection with this racketeering enterprise,

the defendants committed murders, attempted murders, kidnappings, and narcotics trafficking, and conspired to do so, in violation of Title 18, United States Code, Section 1962(d). The Indictment has since been unsealed and superseded multiple times. A Cooperating Witness ("CW-1"), who became a member of the "Trinitarios" gang in approximately 2003, provided testimony during the trial of the aforementioned criminal case.

8. Based on statements made by CW-1, I have learned the following, in substance and in part:

a. In order to become a member of the "Trinitarios," individuals must learn the rules and history of the gang, and swear an oath. Once a member of the "Trinitarios" is sworn in, there are documented rules and handbooks that all members are provided and are expected to follow. Members must also pay dues and attend mandatory meetings. As a member of the "Trinitarios" attains a higher rank, he is given additional rules and regulations to follow, known as the "Trinitarios Statutes."

b. The "Trinitarios" gang has specific hand signs that are known to, and used by, other members of the "Trinitarios" gang.

c. When a "Trinitarios" member faces an opposing gang, the "Trinitarios" must always support each other, including participating in a fight to support another "Trinitarios" member. If a "Trinitarios" member is wounded, the "Trinitarios" will avenge the assault. A member who does not provide support to another "Trinitarios" member may be punished for violating this rule by being physically assaulted. Further, "Trinitarios" may be ordered to commit acts of violence against another person.

d. Local branches of the "Trinitarios" meet at mandatory "Brotherhood" meetings.

e. The "Trinitarios" have rivalries with several gangs operating in the New York area, including the "Bloods," the "Latin Kings," and "Dominicans Don't Play," also known as "DDP". The "Trinitarios" and the "Bloods" have been involved in wars and fights both in prison and on the streets as part of the gangs' ongoing rivalry.

f. Many members of the "Trinitarios" also sell narcotics in every borough in New York, and smuggle drugs into prisons.

THE ASSAULT OF VICTIM-1

9. From my review of video footage created on or about June 18, 2018 (the "Video"), I have learned that a minor ("Victim-1") was assaulted in the median strip of a multi-lane highway in the vicinity of the East Gun Hill Road Exit of the Bronx River Parkway in the Bronx, New York ("Assault Location"). The Video depicts at least approximately twelve individuals who participated in the assault, including several individuals who beat or stabbed Victim-1.

10. From my review of the Video, my personal observations of RAMON PAULINO, the defendant, and my observations of photographs taken when PAULINO was arrested on or about June 18, 2018, I believe that PAULINO is one of the individuals depicted in the Video. I know that PAULINO is wearing the same clothes in the Video as the clothes he was wearing when he was arrested that same day, as described below. The Video depicts an individual I believe to be PAULINO lifting a large log over his head and slamming it down to the ground in the vicinity of where Victim-1 is lying.

11. From my discussions with another detective in the NYPD who spoke to hospital personnel, I have learned the following:

a. Victim-1 was stabbed approximately thirteen to sixteen times, and received stab wounds in his lung and kidney.

b. As emergency paramedics transported Victim-1 to a hospital for treatment, Victim-1 went into sudden cardiac arrest and his heart stopped beating.

c. Paramedics restored Victim-1's heart beat and Victim-1 received emergency surgery at the hospital to treat his wounds.

12. From my discussions with friends of Victim-1 who were in a park adjacent to the Assault Location, I learned that a high-ranking member of the "Trinitarios" gang had ordered a "hit" on Victim-1 due to a dispute that had arisen between

Victim-1's girlfriend and a female member of the "Trinitarios" gang. I know that a "hit" is an order to cause bodily harm to the individual targeted, and is commonly used by gangs.

13. From my review of the publicly accessible Facebook page of Victim-1, images of which were provided to me by friends of Victim-1, I learned that Victim-1 publicly represents himself to be a member of the "Grizzlies," a set of the "Bloods" gang. I know that the "Bloods" gang is a main rival of the "Trinitarios."

14. From my discussions with law enforcement officers, I know that several bystanders placed 9-1-1 calls on or about June 18, 2018 reporting the assault. I also know that several law enforcement officers responding to the call who traveled to the Assault Location observed a group of individuals running away from the direction of the Assault Location, including RAMON PAULINO, the defendant. The law enforcement officers arrested PAULINO at that time and transported him to a police station for questioning.

15. From my discussions with law enforcement officers and my review of police reports, I know that an eyewitness to the assault of Victim-1 ("Eyewitness-1") identified RAMON PAULINO, the defendant, as one of Victim-1's attackers after selecting PAULINO's photo from a photo array. Eyewitness-1 observed PAULINO hitting Victim-1 with what appeared to be a tree branch.

16. Following the arrest of RAMON PAULINO, the defendant, on or about June 18, 2018, PAULINO was read his *Miranda* rights. PAULINO acknowledged his rights and agreed to speak to investigators. I personally participated in the interview of PAULINO on or about June 18, 2018. After this interview, PAULINO was released. On or about June 21, 2018, PAULINO was brought into NYPD custody as a suspect in the assault of Victim-1. PAULINO agreed to be re-interviewed by investigators. PAULINO was read his *Miranda* rights before his second interview. I personally participated in the second interview of PAULINO. During his two *Mirandized* interviews, PAULINO stated the following, in substance and in part:

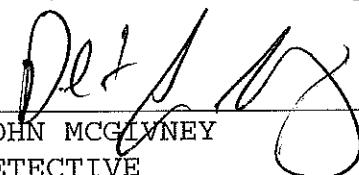
a. During both interviews, PAULINO admitted that he witnessed the assault of Victim-1.

b. During PAULINO's first interview, PAULINO stated, in substance and in part, that he was in a park adjacent to the Assault Location with members of the "Patria." I know that "Patria" is another term used to refer to the "Trinitarios" gang. PAULINO stated that he saw the "Patria" gang members he was with chasing after Victim-1. Victim-1 was chased in the direction of a highway and PAULINO followed. PAULINO observed multiple people stabbing, beating, and kicking Victim-1 in the highway median.

c. Although PAULINO denied having participated in the assault on Victim-1 during his initial interview and again in his second interview, after I showed PAULINO the Video during his second interview, PAULINO admitted that he had participated in the assault of Victim-1. PAULINO stated, in substance and in part, that he is depicted in the Video swinging a large log in the vicinity of Victim-1 while Victim-1 was lying on the ground.

d. During PAULINO's second interview, although PAULINO initially denied his membership in the "Trinitarios" gang, he later admitted that he is a member of the "Trinitarios" gang.

WHEREFORE, the deponent prays that RAMON PAULINO, the defendant, be imprisoned or bailed, as the case may be.


JOHN McGIVNEY
DETECTIVE
NEW YORK CITY POLICE DEPARTMENT

Sworn to before me this
22nd day of June, 2018


THE HONORABLE HENRY PITMAN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK